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INTITULED

An Act to confirm a Provisional Order of the Local Govern-
ment Board for Ireland relating to Waterworks in the
town of Dundalk. A.D. 1884.

WHEREAS the Local Government Board for Ireland have, as
regards the town of Dundalk, made the Provisional Order
set forth in the Schedule hereunto annexed, under the provisions of
the Public Health (Ireland) Act, 1878 :

41 & 42 Vict.
c. 62.

5 And whereas it is requisite that the said Order should be con-
firmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
10 by the authority of the same, as follows :

1. The Order set out in the Schedule hereunto annexed shall be
and the same is hereby confirmed, and all the provisions thereof
shall, from and after the passing of this Act, have full validity and
force.

The Pro-
visional
Order in
Schedule
confirmed.

15 2. This Act may be cited as the Local Government Board
(Ireland) Provisional Order Confirmation (Dundalk Waterworks)
Act, 1884.

Short title.

A.D. 1884.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND. DUNDALK WATERWORKS.

Provisional Order.

WHEREAS the Town Commissioners of Dundalk, in the county Louth, 5
being the urban sanitary authority of the urban sanitary district consisting of
the said town, and being about to construct waterworks for the purposes of
the said district, have presented a petition to the Local Government Board
for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying
that they, as such sanitary authority, may be allowed to put in force the
powers of the Lands Clauses Acts with respect to the purchase and taking of
land otherwise than by agreement with respect to certain lands and premises
required for the purposes of the said works :

And whereas the First Schedule to the said petition (hereinafter called the
said Schedule) sets forth the lands required to be taken for the purposes of the
said works, and also includes certain rights to take and abstract water :

And whereas the said urban sanitary authority have deposited in the Office
of the Local Government Board for Ireland plans showing the said lands,
which are hereinafter called the deposited plans :

And whereas all notices and advertisements required by the Public Health
(Ireland) Act, 1878, having been previously duly published, served, and given,
the Local Government Board for Ireland have caused a local inquiry to be
made as to the propriety of assenting to the prayer of the said petition :

And whereas on the said inquiry it was agreed between the said town
commissioners and the Great Northern Railway Company of Ireland that
clauses should be inserted for the protection of the said company in the Order
to be made by the Local Government Board for Ireland upon the said petition
of the said urban sanitary authority, and the said Local Government Board
for Ireland think fit that the said sanitary authority should be empowered to
put in force, with reference to the said lands and premises, the powers of the
Lands Clauses Acts with respect to the purchase and taking of land otherwise
than by agreement, subject to such conditions for the protection of the said
company as are contained in the clauses contained in this Order relating to the
said company, and which are included amongst those so agreed upon :

It is ordered by the Local Government Board for Ireland as follows :

1. From and after the time of the confirmation of this Order by Act of
Parliament, the said urban sanitary authority shall be empowered to
put in force the powers of the Lands Clauses Acts with respect to the
purchase and taking of land otherwise than by agreement with respect
to the lands and premises and rights to take and convey water described
in the said Schedule, and also described in the said deposited plans.
2. In constructing and maintaining any conduits or other works required for
the purposes of the said waterworks, and passing or intended to pass under

17 & 48 Vict.
c. 39 ss. 61,
202, and 203.

47 & 48 Vict.
c. 32 s. 205
sub-section 6.

Compulsory
powers to take
land and cer-
tain water
rights

Protection of
the Great
Northern (Loc-

or over the railway of the Great Northern Railway (Ireland) Company, A.D. 1894.
or in any way interfering with any lands, rails, sidings, or stations of (said) Railway
the said railway, or in any way interfering or intended to interfere Company.
with the undertaking of the said company, (all which things are included,
for the purposes of this section, in the word "railway.") the said urban
sanitary authority shall observe the following conditions for the pro-
tection of the said railway:

1. All works under or over or affecting the said railway shall be ex-
ecuted and maintained at the expense of the said urban sanitary
authority under the superintendence and to the satisfaction of the
engineer-in-chief for the time being of the said railway company,
and according to plans and specifications previously submitted to
the said chief engineer and approved of by him in writing: Pro-
vided that if the said chief engineer shall not have expressed his
approval or disapproval of the said plans and specifications within
one month after the same shall have been submitted to him he shall
be deemed to have approved thereof.
2. The said works shall be constructed and maintained so that the
railway shall not be injured or damaged, or the traffic thereon
impeded, interfered with, or interrupted; and if by reason of the
construction and maintenance of the said works, or any of them,
the said railway or the works connected therewith shall be injured
or damaged, the said urban sanitary authority shall compensate
the railway company for all costs and expenses to which they may
be put in repairing such injury or damage.
3. If by reason of the construction or maintenance of the said works,
or of any of them, the traffic on the said railway shall be impeded,
interfered with, or interrupted, the said urban sanitary authority
shall also indemnify the said railway company for any damage or
compensation which may be recovered against them, and for any
loss, costs, or expenses which they may be at or suffer by reason
of such interruption of or interference with the traffic on the said
railway, or by reason of any accident on or connected with the said
railway which shall have been occasioned by the acts or defaults of
the urban sanitary authority, or of their contractors or servants.
4. In case the said railway company shall at any time hereafter obtain
power to close the public level crossing over their railway in the
townland of Upper Faghart, in the county of Louth, or to divert
the same, or be desirous to alter the line of railway at any other place
where the conduits or other pipes of the urban sanitary authority
may enter on or cross their railway, the railway company may, on
giving fourteen days previous notice in writing to the said urban
sanitary authority, lift and remove such conduits or other pipes, or
such of them as it may be necessary to lift and remove for the
purpose of closing such level crossing or otherwise altering the
line of the said railway; and the said railway company shall
thereupon relay the said conduits and other pipes in a good and

A.D. 1884.

substantial manner, so as to cause no interruption of the flow of water through the same, to the satisfaction of the engineer for the time being of the said urban sanitary authority.

5. Any difference which may arise between the engineer of the said urban sanitary authority and the chief engineer of the said railway company concerning the said plans or specification, or the execution of the said works, shall from time to time be settled by an umpire to be agreed on by the said two engineers, or, in default of such agreement, to be appointed by the Board of Trade upon the application of either party, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlements of disputes by arbitration shall apply to such arbitration, and to the appointment and authority of the umpire, as appointed by the said engineers or by the Board of Trade; that is to say, each engineer shall be deemed to be the arbitrator named in pursuance of section 126 of the said Act by the Railway Company and the sanitary authority respectively, and the two engineers shall proceed to appoint an umpire, and to adjudicate upon the matter in dispute, in the manner provided by the said Act; and in default of an appointment of an umpire by the said engineers the said Board of Trade shall appoint an umpire in the manner provided by section 129 of the said Act, and such umpire shall have in respect of such disputes or difference the powers defined and given to an umpire by the said part of the said Act.

Interpretation
of terms.

3. In this Order the expression the "Lands Clauses Acts" means the "Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Amendment Act, 1860, the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act. And the term "land" in the said Acts shall, for the purposes of this Order, extend to and include lands, easements, lands covered with water, and right to take and convey water.

Duration of
Order.

4. The compulsory powers of purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.

Short title of
Order.

5. This Order may be cited and referred to for all purposes as the Dundalk Waterworks Provisional Order, 1884.

Scaled with our seal, this twenty-third day of April in the year of our Lord one thousand eight hundred and eighty-four.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.

Local Government
(Ireland) Provisional
Order (Dundalk
Waterworks). [H.L.]

B I I, I, I

UNPUBLISHED

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the town of Dunsink.

(Brought from the Table of May 1854.)

Ordered, by The House of Commons, to be Printed,
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FOR 805

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